

1 HONORABLE RONALD B. LEIGHTON  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 CAROL ENGEN,

11 Plaintiff,

12 v.

13 MS SERVICES LLC/MOUNTAIN STATES  
14 ADJUSTMENTS,

Defendant.

No. 13-CV-5034-RBL

ORDER

(Dkt. #1)

15 **ORDER ON APPLICATION TO PROCEED *IN FORMA PAUPERIS***

16 Plaintiff has applied to proceed *in forma pauperis* in this suit under the Fair Credit  
17 Reporting Act (“FCRA”), 15 U.S.C. 1681 *et seq.*

18 A district court may permit indigent litigants to proceed *in forma pauperis* upon  
19 completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). The court has broad  
20 discretion in resolving the application, but “the privilege of proceeding *in forma pauperis* in civil  
21 actions for damages should be sparingly granted.” *Weller v. Dickson*, 314 F.2d 598, 600 (9th  
22 Cir. 1963), *cert. denied* 375 U.S. 845 (1963). Moreover, a court should “deny leave to proceed  
23 *in forma pauperis* at the outset if it appears from the face of the proposed complaint that the  
24 action is frivolous or without merit.” *Tripati v. First Nat’l Bank & Trust*, 821 F.2d 1368, 1369  
25 (9th Cir. 1987) (citations omitted); *see also* 28 U.S.C. § 1915(e)(2)(B)(i). An *in forma pauperis*  
26 complaint is frivolous if “it ha[s] no arguable substance in law or fact.” *Id.* (citing *Rizzo v.*  
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1 *Dawson*, 778 F.2d 527, 529 (9th Cir. 1985); *Franklin v. Murphy*, 745 F.2d 1221, 1228 (9th Cir.  
2 1984).

3 Here, Plaintiff's proposed complaint seeks statutory damages of \$1,000 against  
4 Defendant for obtaining her credit report without a permissible purpose, violating 15 U.S.C.  
5 1681b. Mountain States Adjustments appears, however, to be a collection agency, which is  
6 authorized to obtain credit reports. Under 15 U.S.C. 1681b(a)(3), "any consumer reporting  
7 agency may furnish a consumer report . . . [t]o a person it has reason to believe . . . intends to use  
8 the information in connection with a credit transaction involving the consumer or . . . review or  
9 collection of an account." Thus, the proposed Complaint appears to have no arguable substance  
10 in law.

11 **CONCLUSION**

12 Plaintiff may amend her application to proceed *in forma pauperis* to explain why  
13 Defendant has otherwise violated FCRA, or she may pay the filing fee. Either must occur within  
14 **15 days** of this order or the case will be dismissed.

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16 Dated this 29th day of January 2013.

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19 Ronald B. Leighton  
20 Ronald B. Leighton  
United States District Judge  
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